IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

W.P(C).No. 35756 of 2007 (F)

PETITIONER:

MOHAMMED SHAFI M., S/O KUNHALI,
MULIYATHIL HOUSE, TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

1. **THE DISTRICT COLLECTOR,**
   MALAPPURAM.
2. **THE REVENUE DIVISIONAL OFFICER,**
   MALAPPURAM.
3. **THE TAHSILDAR, TIRUR,**
   MALAPPURAM.
4. **STATE OF KERALA, REP. BY ITS**
   SECRETARY, DEPARTMENT OF REVENUE,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35756 OF 2007 F

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Dated this the 4th December, 2007

J U D G M E N T

Ext. P3 order is under challenge. By Ext. P3 it has been found by the 1st respondent that the vehicle belonging to the petitioner was engaged in unauthorised transportation of river sand. On that finding, the petitioner is directed to remit Rs.50,000/- towards the value of the vehicle and Rs.50,000/- towards fine. It is this order that is under challenge.

2. Counsel for the petitioner submits that it was on the strength of a valid pass that the vehicle was engaged in transporting river sand. The learned Government Pleader controverts this contention by contending that when the seizure was effected, pass was not produced. It is stated in the impugned order itself that on the day when the vehicle was seized, there was an order prohibiting collection of river sand in force in the district. This finding in Ext. P3 is not seen disputed in the pleadings in this writ petition. If that

be so, the petitioner could not have had a valid pass on the day when the river sand was collected by him.

3. Petitioner submits that he was not issued a show cause notice and that he did not have an opportunity to effectively defend himself before the impugned order was passed. The order itself says that on 3.11.2007, the petitioner had appeared before the 1st respondent and the counsel has no contention that he was not heard on that day. If that be so, that will be sufficient compliance of the principles of natural justice. I do not find any merit in the two points that are urged by the petitioner.

Writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-